

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2009

No. 08-50628
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

CHERYL YVONNE BARNETT,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
No. 5:08-CR-225-ALL

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Cheryl Barnett has moved to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Barnett has not filed a response. Our independent review of the record and brief discloses no nonfrivolous issue for appeal. Accordingly, the motion is GRANTED, counsel is excused from further responsibilities herein, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.